

REMARKS

This is in response to the Office Action that was mailed on March 27, 2006. Claim 1 is amended based upon disclosure on pages 7-8 of the specification. Claims 4-7 are cancelled, without prejudice. New claims 9-12 are added, based upon the original claims and upon disclosure on pages 8-9 of the specification. No new matter is introduced. Claims 1-3 and 8-12 are pending in the application.

Claim 5 was rejected under 35 USC § 112 as failing to define the invention properly. This ground of rejection is rendered moot by the cancellation of claim 5.

Claims 1-4 and 8 were rejected under 35 USC § 102 as being anticipated by US 5,843,335 (Kurono). The rejection does not apply to the claims currently before the Examiner. Kurono fails to teach or suggest the particle dispersing agent of the present invention – namely, the polysiloxane diols represented by formulae (2) and (3).

Claims 1-6 and 8 were rejected under 35 USC § 102 as being anticipated by US 3,933,678 (Graham) and an article by Barnes. The rejection does not apply to the claims currently before the Examiner. Neither Graham nor Barnes teaches or suggests a silica having a primary particle size of from 2 nm to 30 μ m, as required by all of the claims herein. Also, the

particle dispersing agents of Graham – as disclosed e.g. in Examples 5-7 of Graham – are significantly different from the polysiloxane diol particle dispersing agents represented by formulae (2) and (3) as required by claims 1-3 and 8 herein and from the polysiloxane diol particle dispersing agents represented by the formula recited in claims 9-12 herein.

Claims 1 and 4-8 were rejected under 35 USC §§ 102-103 as being anticipated by or obvious over WO 02/100356 A1 (Ono) and the Barnes article and JP 55-115811 and JP 54-28832. These rejections do not apply to the claims currently before the Examiner. The primary reference, Ono, neither teaches nor suggests the polysiloxane diol particle dispersing agents represented by formulae (2) and (3) as required by claims 1-3 and 8 herein or the polysiloxane diol particle dispersing agents represented by the formula recited in claims 9-12 herein. None of the ancillary references remedies this deficiency of the primary reference. (Due to the cancellation of claim 7, component (B) of the present invention does not overlap with the surface-treating agent of Ono.)

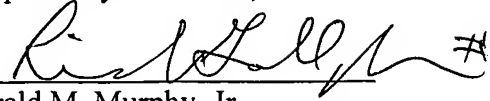
It is manifest that the claims currently before the Examiner are free of the prior art. Allowance of the present application is in order and is earnestly solicited. If there are any questions concerning this application, please contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008.

Application No.: 10/765,964

Docket No.: 0649-0945P

Dated: June 27, 2006

Respectfully submitted,

By  #28,977
for Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant